

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SECURITIES & EXCHANGE
COMMISSION,

3:12-CV-01289-ST

Plaintiff,

ORDER

v.

3 EAGLES RESEARCH & DEVELOPMENT
LLC, HARRY DEAN PROUDFOOT III,
MATTHEW DALE PROUDFOOT, LAURIE
ANNE VRVILO, DENNIS ASHLEY BUKANTIS,

Defendants.

DENNIS ASHLEY BUKANTIS,

Defendant/Cross-Claimant,

v.

3 EAGLES RESEARCH & DEVELOPMENT
LLC and HARRY DEAN PROUDFOOT III,

Cross-Defendants.

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BROWN, Judge.

Magistrate Judge Janice M. Stewart issued a Findings and Recommendation (#52) by Order on September 12, 2012, in which she recommends the Court grant Plaintiff Securities & Exchange

Commission's Motion (#6) for Preliminary Injunction and Other Relief against Defendant 3 Eagles Research & Development LLC for failure to timely respond to the Motion. This matter is before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).¹

BACKGROUND

In its Motion Plaintiff seeks an order preliminarily enjoining all Defendants from violating provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 by offering, selling, or soliciting the offer or sale of any security issued by 3 Eagles or by any entity that 3 Eagles, Harry Proudfoot, Matthew Proudfoot, or Laurie Vrvilo directly or indirectly controls. Plaintiff also requests an order directing Defendants to provide an accounting of all investor funds, directing Defendants to preserve all documents and other materials in their possession or control, and authorizing expedited discovery.

The record reflects Plaintiff's Motion for Preliminary Injunction and other Relief was served on Defendant 3 Eagles on

¹ The Magistrate Judge also issued Findings and Recommendation (#72) on September 25, 2012, recommending the Court grant a Preliminary Injunction and other relief against Defendant Harry Proudfoot, who filed an Objection to the Findings and Recommendation on October 12, 2012. Those Findings and Recommendation will be taken under advisement by this Court on October 29, 2012.

July 24, 2012. The record, however, does not reflect any timely Objection by Defendant 3 Eagles.

Defendants Matthew Dale Proudfoot and Laurie Anne Vrvilo entered into a Stipulation and Order of Preliminary Injunction (#10) on July 25, 2012, which was signed by this Court.

STANDARDS

Because no objection to the Magistrate Judge's Findings and Recommendation (#52) was timely filed by 3 Eagles, this Court is relieved of its obligation to review the record against 3 Eagles *de novo*. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). In light of the fact that the Findings and Recommendation did not include any analysis, however, the Court has reviewed the record and the underlying legal principles *de novo*. The Court does not find any error.

CONCLUSION

The Court **ADOPTS** the Magistrate Judge's Findings and Recommendation (#52) and, accordingly, **GRANTS** Plaintiff's Motion (#6) for Preliminary Injunction and other Relief against Defendant 3 Eagles Research & Development LLC and **ENJOINS** Defendant 3 Eagles Research & Development LLC from violating

provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934 by offering, selling, or soliciting the offer or sale of any security issued by 3 Eagles or by any entity that 3 Eagles directly or indirectly controls.

IT IS SO ORDERED.

DATED this 23rd day of October, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge